UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/812,628	03/20/2001	David Lawrence	17209-449	1331

54205 7590 07/16/2010

CHADBOURNE & PARKE LLP
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER	
LIVERSEDGE, JENNIFER L	
ART UNIT	PAPER NUMBER
3684	

MAIL DATE	DELIVERY MODE
07/16/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/812,628	LAWRENCE, DAVID	
	Examiner	Art Unit	
	JENNIFER LIVERSEDGE	3684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *03 May 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This Office Action is responsive to Applicant's amendment and request for reconsideration of application 09/812,628 filed May 3, 2010.

The amendment contains amended claims: 1-7 and 9-20.

The amendment contains previously presented claim: 8.

Claims 21-22 are canceled.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-3, 5-11, 14 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Number US 2003/0135457 A1 to Stewart et al. (further

referred to as Stewart), in view of "Business credit: the revolution in online credit resources" by Fay Hansen in Business Credit, October 2000 (further referred to as Hansen).

Regarding claim 1, Stewart discloses a computer-implemented method (paragraphs 6, 7 and 9) to manage risk (paragraphs 20 and 49) related to opening a client account (paragraphs 7 and 9), the method comprising receiving data elements (paragraph 7) into a computer system relating to a client seeking to open the client account (paragraphs 7, 9 and 17); structuring, by the computer, the received data elements according to a risk quotient criteria (paragraphs 43 and 45) associated with reputational risk of opening the client account (paragraphs 7, 19-20), wherein structuring includes assigning the received data elements to the risk quotient criteria (paragraphs 20, 43, 45, 49); assigning, by the computer, a predetermined weight to the risk quotient criteria (paragraph 20 where it is well known to those skilled in the art that logistic-regression modeling uses weights for making predictions); calculating, by the computer, a risk quotient based on the risk level and the weight associated with the risk quotient criteria (paragraphs 20 and 49); and generating, by the computer, a suggested action based on the calculated risk quotient (paragraphs 20, 49 and 50).

Stewart does not specifically disclose client corporate structure data elements with a corresponding risk level for each. However, Hansen discloses client corporate structure data elements with a corresponding risk level for each (page 1, sections 1-2; page 2, sections 1-3, 6 and 9; page 3, page 3, section 7; page 4, section 8). It would

have been obvious to one of ordinary skill in the art at the time of the invention to modify the use of scoring risk for new accounts for individuals as disclosed by Stewart to adapt the scoring of risk for companies as disclosed by Hansen. The motivation would be that both individuals and companies apply for new accounts and the risk of doing so needs to be evaluated, and combining the systems of Stewart and Hansen would have resulted in predictable results.

Stewart does not specifically disclose wherein said reputation risk relates to a professional standing in an industry of an account opening entity. However, Stewart discloses the providing of personal information and where a customer is evaluated and a determination of products for which the customer qualifies is made dynamically (paragraphs 7 and 17-20). It would be obvious to one of ordinary skill in the art that reputation risk related to one's professional standing would be a factor in making the determination of opening an account. For example, if a client were known in the industry to commit white-collar crimes and to have embezzled funds through a previous account, a higher reputational risk would be placed on that client and it would be less likely that a fellow banker would open an account for that individual. If a client, on the other hand, were known to be honest and to engage in only legal practices and to be in a stable financial situation, the reputational risk would be low and it would be more likely that a fellow banker would open an account for that individual. The practice of knowing industry colleagues' reputations, and making decisions using that information, is an old and well known practice. Including this risk as a factor is a risk quotient criteria for determining whether to open an account would be obvious and higher reputational risk

would move the quotient such that the likelihood of opening an account would be lower, where a lower reputational risk would move the quotient such that the likelihood of opening an account would be higher.

Additionally, Hansen discloses the gathering of company data for use in determining reputational risk related to a professional standing in an industry of an account opening entity (page 1, section 2; page 2, sections 2 and 9; page 3, section 3 and 7; page 4, section 8). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the use of determining risk associated with opening an account using reputation risk of an individual as disclosed to Stewart to adapt the use of risk related to professional standing in an industry as disclosed by Hansen. The motivation would be to use all available information in making a decision on opening an account, including business reputation as disclosed by Hansen.

Regarding claim 2, Stewart discloses a method further comprising storing data comprising the received data elements, the risk quotient, and the suggested action in a risk quotient criteria database (paragraphs 45 and 56); and generating a due diligence report based upon the stored data (paragraph 56).

Regarding claim 3, Steward discloses a method wherein the due diligence report comprises a history of inquiries made relating to the client account and actions taken based on the risk quotient (paragraph 56).

Regarding claim 5, Stewart discloses the method wherein the received data elements are received from a source of electronic data (paragraphs 17 and 18).

Regarding claim 6, Steward discloses the method wherein the suggested action is responsive to the received data elements (paragraphs 18, 20, 49 and 50).

Regarding claim 7, Stewart discloses the method wherein the suggested action is directed towards reducing at least one of a financial, legal, regulatory, and reputational risk associated with the client account (paragraphs 7, 17-21, 43 and 49).

Regarding claim 8, Stewart discloses the method wherein the suggested action comprises blocking an opening of the client account (paragraph 49).

Regarding claim 9, Stewart discloses the method wherein the suggested action comprises notifying an authority concerning the received data elements (paragraph 49).

Regarding claim 10, Stewart does not disclose the method wherein the received data elements are received electronically from an external database. However, Hansen discloses the method wherein the received data elements are received electronically from an external database (page 2, sections 1 and 6; page 3, section 6). It would be obvious to one of ordinary skill in the art to combine receiving information from a database as discloses by Hansen with the account opening method as disclosed by

Stewart. The motivation would be to use the established technique of storing and transferring data as stored in databases in order to exchange client related data from the database instead of being entered by the client wishing to open the account.

Regarding claim 11, Stewart discloses the method further comprising performing a calculation on a risk assumed by a financial institution as represented by the risk quotient (paragraphs 49 and 61 claim 5).

Regarding claim 14, Stewart does not disclose the method wherein at least a portion of the received data elements are received in a pre-structured format. However, Hansen discloses the method wherein at least a portion of the received information is received in a pre-structured format (page 1, section 4). It would be obvious to one of ordinary skill in the art to combine the method of receiving information in a pre-structured format as disclosed by Hansen with the method of receiving client information as disclosed by Stewart. The motivation would be to receive information which would not require formatting following input.

Regarding claim 20, Stewart discloses a computer executable program code residing on a computer-readable medium, the program code comprising instructions for causing the computer to receive data elements (paragraph 7) into the computer relating to a client account (paragraphs 7, 9 and 17); structure the received data elements according to a risk quotient criteria (paragraphs 43 and 45) associated with reputational

risk of opening the client account (paragraphs 7, 17-20), wherein structuring includes assigning the received data elements to the risk quotient criteria (paragraphs 20, 43, 45, 49); assign a predetermined weight to the risk quotient criteria (paragraph 20 where it is well known to those skilled in the art that logistic-regression modeling uses weights for making predictions); calculate a risk quotient based on the risk and the weight associated with the risk quotient criteria (paragraphs 20 and 49); and generate a suggested action based on the calculated risk quotient (paragraphs 20, 49 and 50).

Stewart does not specifically disclose client corporate structure data elements with a corresponding risk level for each. However, Hansen discloses client corporate structure data elements with a corresponding risk level for each (page 1, sections 1-2; page 2, sections 1-3, 6 and 9; page 3, page 3, section 7; page 4, section 8). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the use of scoring risk for new accounts for individuals as disclosed by Stewart to adapt the scoring of risk for companies as disclosed by Hansen. The motivation would be that both individuals and companies apply for new accounts and the risk of doing so needs to be evaluated, and combining the systems of Stewart and Hansen would have resulted in predictable results.

Stewart does not specifically disclose wherein said reputation risk relates to a professional standing in an industry of an account opening entity. However, Stewart discloses the providing of personal information and where a customer is evaluated and a determination of products for which the customer qualifies is made dynamically (paragraphs 7 and 17-20). It would be obvious to one of ordinary skill in the art that

reputation risk related to one's professional standing would be a factor in making the determination of opening an account. For example, if a client were known in the industry to commit white-collar crimes and to have embezzled funds through a previous account, a higher reputational risk would be placed on that client and it would be less likely that a fellow banker would open an account for that individual. If a client, on the other hand, were known to be honest and to engage in only legal practices and to be in a stable financial situation, the reputational risk would be low and it would be more likely that a fellow banker would open an account for that individual. The practice of knowing industry colleagues' reputations, and making decisions using that information, is an old and well known practice. Including this risk as a factor is a risk quotient criteria for determining whether to open an account would be obvious and higher reputational risk would move the quotient such that the likelihood of opening an account would be lower, where a lower reputational risk would move the quotient such that the likelihood of opening an account would be higher.

Additionally, Hansen discloses the gathering of company data for use in determining reputational risk related to a professional standing in an industry of an account opening entity (page 1, section 2; page 2, sections 2 and 9; page 3, section 3 and 7; page 4, section 8). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the use of determining risk associated with opening an account using reputation risk of an individual as disclosed to Stewart to adapt the use of risk related to professional standing in an industry as disclosed by

Hansen. The motivation would be to use all available information in making a decision on opening an account, including business reputation as disclosed by Hansen.

Claims 4 and 16-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart, in view of Hansen, and further in view of U.S. PG Pub Number US 2002/0143686 A1 to Greene et al. (further referred to as Greene).

Regarding claim 4, neither Stewart nor Hansen disclose the method further comprising presenting a graphical user interface to a network access device; displaying questions relating to the client account on the graphical user interface; and receiving information into the computer system responsive to the questions displayed. However, Greene discloses the method further comprising presenting a graphical user interface to a network access device; displaying questions relating to the client account on the graphical user interface; and receiving information into the computer system responsive to the questions displayed (paragraph 24). It would be obvious to one of ordinary skill in the art to combine the graphical user interface for providing customer interaction as disclosed by Greene and Hansen with the on-line computer method as disclosed by Stewart. The motivation would be to use the commonly implemented graphical user interface (GUI) tool with a browser to create a method of ease for customers interfacing with the browser while applying for a new account.

Regarding claim 16, Stewart discloses a computerized system (paragraphs 6, 7 and 9) for managing risk (paragraphs 20 and 49) associated with opening a client account (paragraphs 7 and 9).

Stewart does not disclose a computer server accessible with a network access device via a communications network. However, Hansen and Greene disclose a computer server accessible with a network access device via a communications network (Hansen: page 1, section 1; page 2, section 6; Greene: paragraphs 20 – 26). It would be obvious to one of ordinary skill in the art to combine the computer server and network as disclosed by Hansen and Greene with the on-line client account opening computer system as disclosed by Stewart. The motivation would be to utilize computer servers and networks as standard known technology in the computer field for communicating across organizations for account authorization.

Stewart discloses executable software executable on demand (paragraph 17), the software operative to cause the system to receive data elements (paragraph 7) relating to the client account (paragraphs 7, 9 and 17); structure the received data elements according to risk quotient criteria associated with a reputational risk of opening the client account (paragraphs 7, 17-20), wherein structuring includes assigning the received data elements to the risk quotient criteria (paragraphs 20, 43, 45, 49); assign a predetermined weight to the risk quotient criteria (paragraph 20 where it is well known to those skilled in the art that logistic-regression modeling uses weights for making predictions); calculate a risk quotient based on the risk and the weight associated with

the risk quotient criteria (paragraphs 20 and 49); and generate a suggested action based on the risk quotient (paragraphs 20, 49 and 50).

Stewart does not specifically disclose client corporate structure data elements with a corresponding risk level for each. However, Hansen discloses client corporate structure data elements with a corresponding risk level for each (page 1, sections 1-2; page 2, sections 1-3, 6 and 9; page 3, page 3, section 7; page 4, section 8). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the use of scoring risk for new accounts for individuals as disclosed by Stewart to adapt the scoring of risk for companies as disclosed by Hansen. The motivation would be that both individuals and companies apply for new accounts and the risk of doing so needs to be evaluated, and combining the systems of Stewart and Hansen would have resulted in predictable results.

Stewart does not specifically disclose wherein said reputation risk relates to a professional standing in an industry of an account opening entity. However, Stewart discloses the providing of personal information and where a customer is evaluated and a determination of products for which the customer qualifies is made dynamically (paragraphs 7 and 17-20). It would be obvious to one of ordinary skill in the art that reputation risk related to one's professional standing would be a factor in making the determination of opening an account. For example, if a client were known in the industry to commit white-collar crimes and to have embezzled funds through a previous account, a higher reputational risk would be placed on that client and it would be less likely that a fellow banker would open an account for that individual. If a client, on the

other hand, were known to be honest and to engage in only legal practices and to be in a stable financial situation, the reputational risk would be low and it would be more likely that a fellow banker would open an account for that individual. The practice of knowing industry colleagues' reputations, and making decisions using that information, is an old and well known practice. Including this risk as a factor is a risk quotient criteria for determining whether to open an account would be obvious and higher reputational risk would move the quotient such that the likelihood of opening an account would be lower, where a lower reputational risk would move the quotient such that the likelihood of opening an account would be higher.

Additionally, Hansen discloses the gathering of company data for use in determining reputational risk related to a professional standing in an industry of an account opening entity (page 1, section 2; page 2, sections 2 and 9; page 3, section 3 and 7; page 4, section 8). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the use of determining risk associated with opening an account using reputation risk of an individual as disclosed to Stewart to adapt the use of risk related to professional standing in an industry as disclosed by Hansen. The motivation would be to use all available information in making a decision on opening an account, including business reputation as disclosed by Hansen.

Regarding claim 17, Stewart discloses the computerized system wherein the software is further operative to cause the system to store data in a risk quotient criteria database, wherein the stored data includes the received data elements, the risk

quotient, and the suggested action (paragraphs 45 and 56); and generate a due diligence report based upon the stored data (paragraph 56).

Regarding claims 18 and 19, Stewart does not disclose the computerized system wherein the network access device is a personal computer or a wireless handheld device. However, Stewart does disclose the computerized system using the internet such that any user with access to the internet can obtain access to the system (paragraphs 4, 6, 7 and 9). It would be obvious to one of ordinary skill in the art that both personal computers and wireless handless devices would be included within the set of devices by which a client would access the internet. The motivation would be to include both traditional desktop devices as well as portable devices for accessing the computerized system.

Claims 12, 13 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart and Hansen as applied to claim 1 above, and further in view of Dictionary of Economics by Wiley (1995) from www.xreferplus.com (further referred to as xreferplus).

Regarding claim 12, neither Stewart nor Hansen disclose the method further comprising aggregating a plurality of risk quotients in order to calculate a total risk quotient representative of a total risk assumed by a financial institution. However, xreferplus discloses the method further comprising aggregating a plurality of the “risk

quotients" in order to calculate a total "risk quotient" representative of a total risk assumed by a "financial institution" (page 1, lines 1 – 45 and page 2, lines 1-2). The method disclosed is that of determining a weighted average, which xreferplus defines, is that of combining a plurality of values in order to calculate a total value.

It would be obvious to combine the weighted average method as disclosed by xreferplus with the means of calculating a risk quotient as disclosed by Stewart in that the logistic-regression model as disclosed by Stewart uses weights in calculating values though Stewart does not discuss in detail the mathematical calculations involved within the disclosed logistic-regression model. The motivation would be to use established mathematical equations and models of combining factors in order to determine an aggregate value based on those factors.

Regarding claim 13, neither Stewart nor Hansen disclose the method further comprising calculating an average risk quotient based on a plurality of risk quotients. However, xreferplus discloses the method further comprising calculating an average risk quotient based on a plurality of the risk quotients (page 1, lines 1 – 45 and page 2, lines 1-2). The reasoning for combining xreferplus and Stewart as well as the motivation are the same as discussed in claim 12 regarding weighted average calculations.

Regarding claim 15, neither Stewart nor Hansen disclose the method wherein the risk quotient is calculated by multiplying a numerical value representative of a risk associated with the risk quotient criteria times a numerical value indicative of a category

weighting. However, xreferplus discloses the method wherein the risk quotient is calculated by multiplying a numerical value representative of a risk associated with the risk quotient criteria times a numerical value indicative of a category weighting (page 1, lines 1 – 45 and page 2, lines 1-2). The reasoning for combining xreferplus and Stewart as well as the motivation are the same as discussed in claim 12 regarding weighted average calculations.

Response to Arguments

Regarding claims 1-3, 5-9, 11 and 20, Applicant argues that Stewart does not disclose "wherein said reputation relates to a professional standing in an industry of an account opening entity" and that the Examiner's conclusion that "it would have been obvious to one skilled in the art that reputation risk related to one's professional standing would be a factor in making the determination of opening an account" is incorrect. Applicant also disagrees with Examiner's building of a 103 rejection in the assertion that "Stewart discloses the use of reputation in considering account opening. The consideration of credit score and credit rating are part of reputation risk". Additionally related to the issue, Applicant argues that the Examiner incorrectly applies the Appellant's definition of "reputational risk" where the Appellant states "reputational risk relates to harm that a financial institution may suffer regarding its professional standing in an industry and claims reputational risk relates to a professional standing in an industry of an account opening entity".

In addressing the disputed matter of "reputational risk" and the 103 rejection made under Stewart, the Examiner asserts that the interpretation of reputational risk and the quantification thereof are supported, in a 103 rejection, under Stewart. Stewart discloses wherein one seeking to open an account provides personal information, and wherein a customer is evaluated, and wherein a determination of products for which the customer qualifies is made. As stated in the rejection above, it would be obvious to one of ordinary skill in the art that reputation risk related to one's professional standing would be a factor in making the determination of opening an account. This is simply common sense. Again as stated above in the rejection, if a client were known in the industry to commit white-collar crimes and to have embezzled funds through a previous account, a higher reputational risk would be placed on that client and it would be less likely that a fellow banker would open an account for that individual. If a client, on the other hand, were known to be honest and to engage in only legal practices and to be in a stable financial situation, the reputational risk would be low and it would be more likely that a fellow banker would open an account for that individual. The practice of knowing industry colleagues' reputations, and making decisions using that information, is an old and well known practice. Including this risk as a factor is a risk quotient criteria for determining whether to open an account would be obvious and higher reputational risk would move the quotient such that the likelihood of opening an account would be lower, where a lower reputational risk would move the quotient such that the likelihood of opening an account would be higher.

Evaluating the reputation risk of an individual before opening account for that individual is old and well known and is simply common sense. The Examiner does not dispute that Stewart discloses credit score and credit rating and that these two measures do not encompass the full meaning of reputational risk as being one's standing in an industry; however, as cited in the rejection, these are parts of reputational risk, as a quantifiable means of determining one's likelihood of maintaining an account where Stewart discloses determining and quantifying customer risk using logistical-regression model (weighted factors) to predict risk associated with the potential account holder. The other aspects of reputational risk associated with one's professional standing in an industry, and taking this into account when deciding whether to open an account or not, is common sense and old and well known.

Further, Applicant argues, with respect to claim 16, that the combination of Stewart and Greene fails to render claim 16 obvious. Examiner respectfully disagrees. Where Stewart discloses a computerized system for managing risk associated with opening a client account, Stewart does not disclose a computer server accessible with a network access device via a communications network. Greene does disclose a computer server accessible with a network access device via a communications network within a system for real-time account opening. Employing the real-time network communications account opening system of Greene with the computerized account opening system of Stewart is obvious as Stewart specifically discloses where "The potential customer applies on-line, providing personal information to the financial institution such as is necessary to determine whether or for which products the

customer will be approved" such that the account is established electronically. While Stewart does not say that a server accessible with a network access device via a communication network is being used, clearly communication servers are being used to facilitate the on-line, electronic application process such that information is conveyed from the potential client to the financial institution.

Additionally, the newly added claim limitations and corresponding arguments have been addressed in the rejection above. Hansen specifically discloses the use of client corporate structure data elements, and discloses many firms which provide data related to corporations for making a determination as to whether an account should be opened and/or whether credit should be extended. Hansen discloses such information being available as credit-related information, company background, officers and executives, business news reports, stability scores, forecasts and predictions for future performance, expert analysis, liens, bankruptcies, lawsuits, news items, bank references, etc. Each of these items are elements of a reputation risk as a professional standing in an industry.

Applicant argues that the Examiner has not presented a prima facie case of obviousness in the combination of the references. However, Examiner respectfully disagrees. It is noted that "Evidence of a suggestion, teaching, or motivation to modify a reference may flow from the prior art references themselves, the knowledge of one of ordinary skill in the art, or, in some cases, from the nature of the problem to be solved (Pro-Mold & Tool Co. v. Great Lakes Plastics, Inc. 75 F.3d 1568, 1573, 37 USPQ2d1626, 1630 (Fed. Cir. 1996)".

Examiner asserts that a prima facie case of obviousness is made in this case as the matter being disputed flows from knowledge of one of ordinary skill in the art. From In re Clinton, we find that in many, if not most, situations, there is neither a motivation to make the modification clearly articulated in the references nor an evident lack of motivation. Rather, the prior art references typically disclose elements or aspects of the claimed subject matter, but fail to specifically point the way toward the combination, substitution or other modification needed to arrive at the invention. A judgment must be made whether 'a person of ordinary skill in the art would have had sufficient motivation to combine the individual [elements] forming the claimed [invention]." In re Clinton, 527 F.2d 1226, 1228, 188 USPQ 365, 367 (CCPA 1976).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Welsh, James. "Covering your bets on credit and collections". World Trade. Troy: Feb 1999. Vol. 12, Iss. 2. Article discusses the importance of a company knowing their customers and obtaining credit investigation reports on trade partners, as well as using an organization to specifically track a trade partner's business reputation. Found on page 2, sections 3 and 6-9.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication should be directed to Jennifer Liversedge whose telephone number is 571-272-3167. The examiner can normally be reached on Monday - Friday, 8:30 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached at 571-272-6702. The fax number for the organization where the application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Jennifer Liversedge/

Primary Examiner, Art Unit 3684